

EXHIBIT A

CASE 11-C-997

RALEIGH

PAGE 0001

GARY RICHMOND

vs. CREDIT ONE BANK

LINE	DATE	ACTION
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1	11/10/11	CASE FILED-ISSUED SUMMONS AND COMPLAINT RETURNED TO ATTY RUNNER
2		FOR SERVICE. MBS (BLS)
3	01/04/12	RETURN RECEIVED FROM SEC OF STATE ACCEPTED FOR SERVICE OF
4		PROCESS PC (CC)
5	01/19/12	CERT. OF SERVICE OF PLTF'S FIRST SET OF INTERROGATORIES,
6		REQUEST FOR PRODUCTION OF DOCUMENTS AND REQUESTS FOR ADMISSION
7		TO DEFT. ON BEHALF OF CREDIT ONE BANK, NA BG (CC)

STATE OF WEST VIRGINIA

COUNTY OF RALEIGH SS:

I, PAUL H. FLANAGAN, Clerk of the Circuit Court of Raleigh County do
hereby certify that the foregoing is a true and correct copy from the records of my office
as the same exists therein.

IN TESTIMONY WHEREOF, I hereunto place my hand and affix the official
seal of this Court, at Beckley this the 24 day of January
20 12.

Paul H. Flanagan
Jan Clerk

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

RECEIVED AND FILED

JANUARY 10 AM 11:27

GARY RICHMOND
and ANNA RICHMOND,

Plaintiffs,

vs.

CREDIT ONE BANK, NA,

Defendant.

CIRCUIT CLERK

CIVIL ACTION NO. 11-C-997-B

COMPLAINT

1. The Plaintiffs, Gary Richmond and Anna Richmond, are residents of Raleigh County, West Virginia.
2. The Plaintiffs, Gary Richmond and Anna Richmond, are people who fall under the protection of the *Telephone Consumer Protection Act*, 47 U.S.C. §227 [hereinafter "TCPA"].
3. The Defendant Credit One Bank, NA, [hereinafter, "Credit One"] is a national association with its principal place of business at 585 Pilot Road, Las Vegas, Nevada, 89119. The said Defendant does business in Raleigh County, West Virginia and may be served by the West Virginia Secretary of State by forwarding a copy of process to Credit One, c/o Robert Dejong, 585 Pilot Road, Las Vegas, Nevada, 89119. The said Defendant is a debt collector as defined by the *West Virginia Consumer Credit and Protection Act* and does business in Raleigh County, West Virginia by doing debt collection activity in said County and State.
4. The calls described below which were placed by the Defendant were placed utilizing an "automatic telephone dialing system" or "artificial or prerecorded voice" as those terms are used in 47 U.S.C. §227.
5. The Defendant maintains records of each call placed to the Plaintiffs regarding her account by date, time called, duration of call, the identity of Defendant's employee or representative and notes or codes placed upon such record by the Defendant's employee or representative.
6. The Defendant called Plaintiffs repeatedly using an automatic telephone dialing system or an artificial or prerecorded voice beginning, at least, on June 14, 2010 at which time the Plaintiff expressly revoked any permission which Defendant might have had to place any calls to the Plaintiff's cellular telephone.
7. From June 14, 2011 through July 21, 2011, the Defendant knowingly placed not less than three hundred twenty five (325) calls to the Plaintiffs' cellular telephone utilizing an automatic telephone dialing system or artificial or prerecorded voice without the express consent of the Plaintiffs.
8. In addition to the not less than three hundred twenty five (325) calls placed by Defendant using an automatic telephone dialing system or artificial or prerecorded voice, as described

in the preceding paragraph, the Defendant placed other calls to the Plaintiffs after the latter date set forth in the preceding paragraph through the date of filing the herein complaint by use of an automatic telephone dialing system or artificial or prerecorded voice.

9. At no time did the Plaintiffs expressly authorize the Defendant to make calls to the Plaintiffs using an automatic telephone dialing system or artificial or prerecorded voice.
10. Based upon information and belief, the Defendant was aware that the initiation of calls to a cellular phone such as that of the Plaintiffs are likely to cause the recipient to incur charges.
11. Based upon information and belief, the Defendant placed calls to the Plaintiffs with the intent to annoy, harass and threaten the Plaintiffs.
12. As a result of the foregoing actions, the Plaintiffs have been annoyed, aggravated, harangued, and otherwise damaged.

COUNT ONE

{Strict Liability for Violation of TCPA}

13. The Plaintiffs incorporate the preceding paragraphs as if set forth fully herein.
14. The Defendant has violated the TCPA by placing calls to the Plaintiffs on Plaintiffs' cellular telephone using an automatic telephone dialing system or artificial or prerecorded voice without the express permission of the Plaintiffs.
15. Alternatively, Defendant has violated the TCPA by placing calls to the Plaintiffs on Plaintiffs' cellular telephone using an automatic telephone dialing system or artificial or prerecorded voice after the Plaintiffs revoked any permission of the Defendant to place such calls.
16. The foregoing violations of the TCPA were committed willfully or knowingly by the Defendant or its agents.

COUNT TWO

{Violation of West Virginia Consumer Credit and Protection Act}

17. The Plaintiffs incorporate the preceding paragraphs as if set forth fully herein.
18. The Defendants have engaged in repeated violations of Article 2 of the *West Virginia Consumer Credit and Protection Act* [hereinafter, "WVCCPA"], including but not limited to:
 - a. Engaging in unreasonable or oppressive or abusive conduct towards the Plaintiffs in connection with the attempt to collect a debt by placing telephone calls to the Plaintiffs in violation of *West Virginia Code* §46A-2-125;
 - b. Causing the Plaintiffs' phone to ring or engaging persons, including the Plaintiffs, in telephone conversations repeatedly or continuously or at unusual times or at times known to be inconvenient, with the intent to annoy, abuse or oppress the Plaintiffs in violation of *West Virginia Code* §46A-2-125(d);
 - c. Using generally unfair or unconscionable means to collect a debt from Plaintiffs in violation of *West Virginia Code* §46A-2-128 by placing calls to the Plaintiffs on

Plaintiff's cellular or residential telephone using an automatic telephone dialing system or artificial or prerecorded voice without the express permission of the Plaintiffs or after such permission was revoked in violation of the *TCPA*; and

- d. Violating W.Va. Code §46A-2-125 by using a computer, with the intent to harass or abuse the Plaintiffs, to make contact with the Plaintiffs after being requested by the Plaintiffs to desist in violation of W.Va. Code §61-3C-14a.

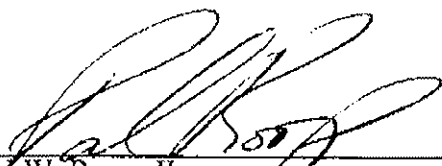
COUNT THREE

{Violation of West Virginia Code §61-3C-14a}

19. The Plaintiffs incorporate Paragraphs 1 through 18 as stated above.
20. The Defendant, in violation of *West Virginia Code §61-3C-14a*, made repeated telephone calls to or contacts with Plaintiffs by using a computer, with the intent to harass or abuse the Plaintiffs, after being requested by the Plaintiffs to desist.
21. Pursuant to *West Virginia Code §55-7-9*, any person injured by the violation of a statute may recover from the offender such damages as may be sustained by reason of the violation.
22. The violation of the aforesaid statute caused injury to the Plaintiffs, including annoyances, inconvenience, aggravation and emotional distress.
23. The Defendant's violation of the aforesaid statute was intentional and malicious.

WHEREFORE, the Plaintiffs demands judgment against the Defendant for actual damages, statutory damages on Counts I and II pursuant to both the *TCPA* and the *WVCCPA*, as permitted, and actual damages, and punitive damages on Count III, as well as reasonable attorney's fees, costs and for such other and further relief as this Court may deem appropriate.

PLAINTIFFS DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.



Paul W. Roop, II
ROOP LAW OFFICE, LC
P.O. Box 1145
Beckley, WV 25801
WV State Bar # 5406
(304) 255-7667

**GARY RICHMOND
and ANNA RICHMOND**
By Counsel

CIVIL CASE INFORMATION STATEMENT
In the Circuit Court of Raleigh County, West Virginia

I. CASE STYLE:

Plaintiffs

Case # 11-C- 997-B

GARY RICHMOND and ANNA RICHMOND

24 Cherrywood Terrace

Beaver, WV 25813

vs.

Defendant

**Days to
Answer**

Type of Service

CREDIT ONE BANK, NA

585 Pilot Road

30

Secretary of State

Las Vegas, NV, 89119

CIRCUIT CLERK

RECEIVED AND FILED
JAN 27 10 54 AM '12

**PLAINTIFF'S
Case Information Sheet**

PLAINTIFFS: Gary Richmond and Anna Richmond

CASE NO.: 11-C-_____

DEFENDANT: Credit One Bank, NA

II. TYPE OF CASE:

DOMESTIC RELATIONS

- ☐ Adoption
☐ Contested Divorce
☐ Annulment/separate
☐ URESA
☐ Paternity

- ☐ Other Domestic
Uncontested Divorce

TORTS

- ☐ Asbestos
☐ Auto Negligence
☐ Professional
☐ Personal Injury
☐ Product Liability
Administrative Agency
☐ Other Tort

OTHER CIVIL

- ☐ Contract
☐ Action on Note
☐ Real Property
☐ Mental Health
☐ Appeal from
☐ Appeal from
Magistrate Court
☒ Miscellaneous
Civil
☐ Extraordinary
Remedy
Explain:

III. JURY DEMAND: ☒ Yes ☐ No

IV. MONETARY RELIEF REQUESTED: ☐ under \$100,000
☒ over \$100,000

Attorney Name: Paul W. Roop, II

Firm: ROOP LAW OFFICE

Address: Post Office Box 1145
Beckley, West Virginia 25802-1145

Telephone: (304) 255-7667

Dated: 11/2/11

Representing: ☒ Plaintiff
☐ Defendant
☐ Other (Identify) _____

Signature 

SUMMONS

CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

GARY RICHMOND
and ANNA RICHMOND,

Plaintiffs,

vs.

CIVIL ACTION NO. 11-C-997-B

CREDIT ONE BANK, NA

Defendant.

To the above-named Defendant: Credit One Bank, NA
c/o Robert Dejong
585 Pilot Road
Las Vegas, NV 89119

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon **Paul W. Roop, II, Attorney-at-Law**, plaintiff's attorney, whose address is **P.O. Box 1145, Beckley, West Virginia 25802**, an answer, including any related counterclaim you may have, to the complaint if filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: 11-10-11

Paul H. Dejong
Clerk of Court

CIRCUIT CLERK

RECEIVED AND FILED
JAN 27 2012

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 5744 38



Natalie E. Tennant
Secretary of State
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com

Paul H Flanagan, Circuit Clerk
Raleigh County Courthouse
215 Main Street
Beckley WV 25801-4688

ControlNumber: 326822

Defendant: Credit One Bank, NA

County: 41

Civil Action: 12/27/2011
11-C-997-B

I am enclosing:

<input type="checkbox"/> summons	<input type="checkbox"/> affidavit	<input checked="" type="checkbox"/> 1 summons and complaint
<input type="checkbox"/> notice	<input type="checkbox"/> answer	<input type="checkbox"/> summons and verified complaint
<input type="checkbox"/> order	<input type="checkbox"/> cross-claim	<input type="checkbox"/> summons and amended complaint
<input type="checkbox"/> petition	<input type="checkbox"/> counterclaim	<input type="checkbox"/> 3rd party summons and complaint
<input type="checkbox"/> motion	<input type="checkbox"/> request	<input type="checkbox"/> notice of materialmans lien
<input type="checkbox"/> suggestions	<input type="checkbox"/> notice to redeem	<input type="checkbox"/> notice of mechanic's lien
<input checked="" type="checkbox"/> 1 interrogatories	<input checked="" type="checkbox"/> 1 request for production	<input type="checkbox"/> re-issue summons and complaint
<input type="checkbox"/> discovery	<input checked="" type="checkbox"/> 1 request for admissions	<input type="checkbox"/> subpoena duces tecum
<input type="checkbox"/> suggestee execution	<input type="checkbox"/> notice of uim claim	<input type="checkbox"/> Other
<input type="checkbox"/> subpoena	<input type="checkbox"/> writ	
<input type="checkbox"/> stipulation	<input type="checkbox"/> writ of mandamus	

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Natalie E. Tennant
Secretary of State

SUMMONS

CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

GARY RICHMOND
and ANNA RICHMOND,

Plaintiffs,

vs.

CREDIT ONE BANK, NA

Defendant.

CIVIL ACTION NO. 11-C-997-B

ACCEPTED FOR
SERVICE OF PROCESS
2011 DEC 27 PM 4:05
SECRETARY OF STATE
STATE OF WEST VIRGINIA

To the above-named Defendant: Credit One Bank, NA
c/o Robert Dejong
585 Pilot Road
Las Vegas, NV 89119

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon **Paul W. Roop, II, Attorney-at-Law**, plaintiff's attorney, whose address is **P.O. Box 1145, Beckley, West Virginia 25802**, an answer, including any related counterclaim you may have, to the complaint if filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: 11-10-11

Paul H. Flanagan
Clerk of Court